

1 RAYMOND M. BUDDIE (BAR NO. 121353)  
RICK W. GRADY (BAR NO. 235976)  
2 ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
3 Three Embarcadero Center, 12th Floor  
San Francisco, CA 94111-4074  
4 Phone: (415) 837-1515  
Fax: (415) 837-1516  
5 E-Mail: rbuddie@allenmatkins.com  
rgrady@allenmatkins.com

6 PATRICK S. HALLINAN (BAR NO. 33838)  
7 KENNETH H. WINE (BAR NO. 142385)  
HALLINAN & WINE  
8 Law Chambers Building  
345 Franklin Street  
9 San Francisco, CA 94102  
Telephone: (415) 621-2400  
10 Facsimile: (415) 575-9930

11 Attorneys for Defendants, Counter-Claimants, and Third  
Party Claimants, DICK/MORGANTI; DICK  
12 CORPORATION; THE MORGANTI GROUP, INC.;  
AMERICAN CASUALTY COMPANY OF READING,  
13 PA; and NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA for the Use  
17 and Benefit of WEBCOR CONSTRUCTION,  
INC. dba WEBCOR BUILDERS, and  
18 WEBCOR CONSTRUCTION, INC. dba  
WEBCOR BUILDERS,

19 Plaintiffs,

20 vs.

21 DICK/MORGANTI, a joint venture; DICK  
22 CORPORATION; THE MORGANTI GROUP;  
AMERICAN CASUALTY COMPANY OF  
23 READING, PA; NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH,  
24 PA, and DOES 1 through 10, inclusive,

25 Defendants.

26  
27 AND ALL RELATED COUNTER-CLAIMS  
AND THIRD PARTY CLAIMS.  
28

Case No. 3:07-CV-02564-CRB

JOINT STIPULATION FOR CONTINUANCE  
OF HEARING ON MOTION TO DISMISS  
FOR FAILURE TO STATE A CLAIM AND  
MOTION FOR A MORE DEFINITE  
STATEMENT

Judge: Hon. Charles R. Breyer

Case No. 3:07-CV-02564-CRB

JOINT STIPULATION FOR CONTINUANCE OF HEARING ON MOTION TO  
DISMISS FOR FAILURE TO STATE A CLAIM AND MOTION FOR A MORE  
DEFINITE STATEMENT

1 IS HEREBY STIPULATED jointly by the parties hereto through their respective counsel  
2 as follows:

3 **WHEREAS:**

4 1. On January 18, 2008 Defendants DICK/MORGANTI; DICK CORPORATION;  
5 THE MORGANTI GROUP, INC.; AMERICAN CASUALTY COMPANY OF READING, PA;  
6 and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,  
7 (“Defendants”) filed a Notice of Motions and Motion to Dismiss or Failure to State a Claim and  
8 Motion for a More Definite Statement (“Motions”) in response to the Complaint filed by Plaintiff  
9 United States of America for the use and benefit of Webcor Construction Inc. (“Plaintiff”); and

10 2. The hearing for the Motions was originally scheduled for February 22, 2008 and  
11 was, per the parties’ prior stipulations and the Court’s Orders, continued to June 27, 2008 at 10:00  
12 a.m.; and

13 3. Defendants and Plaintiff are currently finalizing an agreement which would make  
14 the Motions unnecessary and moot; and

15 4. Plaintiff’s current deadline to file an opposition to the Defendants’ Motions is June  
16 6, 2008; and

17 5. Defendants and Plaintiff intend to finalize their agreement, render the Motions  
18 unnecessary and moot, and inform the Court of their final agreement on or before July 18, 2008.

19 **NOW THEREFORE:**

20 1. Defendants and Plaintiff request a continuance of the hearing for the Motions and  
21 the corresponding opposition and reply dates so that they may finalize their agreement regarding  
22 the Motions; and

23 2. Defendants and Plaintiff request the Court execute the PROPOSED ORDER filed  
24 herewith which continues the hearing for the Motions from June 27, 2008 at 10:00 a.m. to **July 25,**  
25 **2008 at 10:00 a.m.**

26 ///

27 ///

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1 IT IS SO STIPULATED.

2 AGREED TO BY:

3  
4 Dated: June 5, 2008  
5 *RS*

6  
7  
8  
9  
10  
11 Dated: JUNE 5, 2008

PECKER & ABRAMSON, P.C.

By:

*Led Grady*  
Rick W. Grady (SBN 235976)  
Attorneys for Defendants, Counter-  
Claimants, and Third Party Claimants,  
DICK/MORGANTI; DICK  
CORPORATION; THE MORGANTI  
GROUP, INC.; AMERICAN CASUALTY  
COMPANY OF READING, PA; and  
NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA

BOWLES & VERNA LLP

By:

*Richard T. Bowles*  
Richard T. Bowles  
Kenneth G. Jones  
Michael Connolly  
Attorneys for Plaintiff, UNITED STATES  
OF AMERICA for the Use and Benefit of  
WEBCOR CONSTRUCTION, INC. DBA  
WEBCOR BUILDERS